

## 46 Am. Jur. 2d Judges § 102

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### Judges

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### IX. Disqualification to Act in Particular Case

#### B. Grounds for Disqualification

##### 2. Interests as Grounds for Disqualification

##### b. Particular Interests as Grounds for Disqualification

##### (3) Association with Organization or Business

## § 102. Membership in organization or body as grounds for disqualification of judge, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  42, 45

### A.L.R. Library

[Membership in fraternal or social club or order affected by a case as ground for disqualification of judge, 75 A.L.R.3d 1021](#)

The interest which a judge has in a public question merely because he or she is a member of the civic body that may be affected by the question is not a disqualifying interest.<sup>1</sup> Membership in a bar association or integrated bar is not a basis for disqualification in a case in which a bar association is a party.<sup>2</sup> No recusal is necessary in an action where one of the issues involves the validity of a statute and the presiding judge was a member of the House of Representatives when the statute was enacted, since the validity of the statute is a pure question of law.<sup>3</sup>

### Observation:

The Code of Judicial Conduct provides that, subject to the general requirements regarding extrajudicial activities, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including that a judge may serve as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity: (1) will be engaged in proceedings that would ordinarily come before the judge; or (2) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.<sup>4</sup>

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## Footnotes

- 1 [Chumbley v. People's Bank & Trust Co.](#), 165 Tenn. 655, 57 S.W.2d 787 (1933).  
The trial judge did not abuse his discretion in refusing to disqualify himself from court proceedings a property owner had brought against his neighbors based on allegations that the judge and the neighbor were both affiliated with the Knights of Columbus; the judge explained that he was not a parishioner of the same church as the neighbor, that the judge and neighbor were members of different councils of the Knights of Columbus, that the judge had not been to a meeting of the council for three years, and that neither he nor members of his family had ever served on any committees with the neighbors. [Greenfield v. Wurmlinger](#), 158 Idaho 591, 349 P.3d 1182 (2015).  
A trial judge has no affirmative duty to step down from a case merely on the basis of the judge's membership on a public interest task force unless the agenda of the task force is inconsistent with the judge's duty to judge impartially. [Rosado v. Bridgeport Roman Catholic Diocesan Corp.](#), 292 Conn. 1, 970 A.2d 656 (2009).
- 2 [Dacey v. Connecticut Bar Ass'n](#), 170 Conn. 520, 368 A.2d 125 (1976); [Minnesota State Bar Ass'n v. Divorce Ed. Associates](#), 300 Minn. 323, 219 N.W.2d 920 (1974).  
Merely alleging membership in a large bar association that offered a reward for the capture and conviction of the individuals who killed the victim was not a legally sufficient basis for disqualifying the judge in a capital murder prosecution. [Teffeteller v. Dugger](#), 734 So. 2d 1009 (Fla. 1999).
- 3 [Newburyport Redevelopment Authority v. Com.](#), 9 Mass. App. Ct. 206, 401 N.E.2d 118 (1980).
- 4 A.B.A. Code of Judicial Conduct, Canon 3, Rule 3:7(A)(6).

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